

EXHIBIT 1

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Entered on Docket
June 11, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
GATEWAY STONE ASSOCIATES,
LLC LOAN**

Hearing Date: June 9, 2008

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Gateway Stone Associates, LLC Loan (the "Objection") [DE 6316].
4 Adequate notice of the Objection was given. The Court heard the Objection on June 9,
5 2008. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the Gateway Stone Associates, LLC Loan. The
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
12 they are based upon an investment in a loan(s) other than the Gateway Stone
13 Associates, LLC Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

GATEWAY STONE LOAN THIRD OMNIBUS OBJECTION

EXHIBIT A Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Gateway Stone Loan
10725-01274	Herman and Brian M. and Anthony G. Adams	1341 Cashman Drive Las Vegas, NV 89102	\$2,088,250.00	\$1,000,000.00
10725-01619	Kenneth Addes	100 West Broadway, Apt. 7V Long Beach, NY 11561	\$394,523.01	\$50,000.00
10725-02366	Al-Awar Living Trust Dated 4/05/01	Adib M. and Ellen A. Al-Awar Trustees 1330 Burro Court Gardnerville, NV 89410	\$1,807,956.81	\$115,000.00
10725-02263	Burgarello Inc. Profit Sharing Plan	Ronald A. Johnson Trustee 50 Snider Way Sparks, NV 89431-6308	\$202,800.00	\$50,000.00
10725-02128	Burgarello Inc. Profit Sharing Plan	c/o Ronald A. Johnson Trustee 50 Snider Way Sparks, NV 89431-6308	\$202,800.00	\$50,000.00
10725-02528	Peter W. and Deidre D. Capone	P.O. Box 1470 Gardnerville, NV 89410-1470	Unspecified	Unspecified
10725-00231	Donald P. Clark Family Trust Dated 10/25/94	c/o Donald P. Clark Trustee 305 W. Moana Lane Reno, NV 89509-4924	\$709,011.56	\$100,000.00
10725-01601	Donald Clark	305 W Moana Lane Reno, NV 89509	\$775,918.76	\$109,041.10
10725-02035	Deborah A. Daniel	249 S Vista Del Monte Anaheim, CA 92807	\$202,376.95	\$50,000.00
10725-02333	Davis Investments	20 Leroy Terrace New Haven, CT 06512	\$1,000,000.00	\$300,000.00